

REPORT

DATE: June 12, 2006

TO: Regional Council

FROM: Rich Macias, Manager, Transportation Plans and Programs, 213-236-1805
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SUBJECT: 2004 RTP Update Strategy/SAFETEA-LU Compliance

EXECUTIVE DIRECTOR'S APPROVAL:



RECOMMENDED ACTION:

Approve the TCC recommendation to adopt the next RTP by November/December 2007 and initiate a Gap Analysis to bring the 2004 RTP into SAFETEA-LU compliance.

SUMMARY:

Prior to SAFETEA-LU, SCAG was required to update the RTP every three years. Accordingly, staff presented an update schedule to you the TCC in March of 2005 which called for adoption of the next RTP by April of 2007. Now that the SAFETEA-LU is in place, RTP may be update on a 4-year cycle rather than a 3-year cycle. The law allows the transportation conformity on the current RTP as well as RTIP to continue through the fourth year. However, a key issue for the SCAG region is that the federal agencies may not allow any amendment to the conforming RTIP or RTP during the 4th or the transition year of the current RTP, even though the SAFETEA-LU fully encourages all MPOs to take advantage of the 4-year RTP update cycle immediately. The federal funding on committed projects in the existing and conforming plans and programs will not be affected during this additional year. However, an amendment restriction during this transition year could threaten the region's ability to change funding obligations and deliver projects in a timely manner. In the worst cases, where funds come with specific timely use provisions, our inability to amend the TIP could result in loss of funds altogether. In order to minimize the impact of this potential restriction during the fourth year, staff is proposing an action plan outlined in this report that calls for the adoption of the next RTP by as early as November/December of 2007 and concurrently preparing and adopting a 'Gap Analysis' or an addendum to the 2004 RTP so as to bring the current RTP into compliance with the planning provisions of the SAFETEA-LU prior to the July 1, 2007 deadline for full implementation of SAFETEA-LU.

BACKGROUND:

This report presents the proposed SCAG approach to the 2007/8 RTP update so as to allow the region maximum flexibility in developing the next RTP while maintaining transportation conformity on the current plan and the necessary flexibility to implement it to the extent possible.

There are four options that could help the region minimize the adverse impact of the potential amendment restrictions.

1. Adopt the plan as close to the July 1, 2007 SAFETEA-LU deadline as possible to minimize our exposure to the amendment restrictions. Move forward with the full plan update on that basis.

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2. Continue to pursue our request to incorporate amendment 'threshold' language into the planning rules that will allow certain types of amendments to move forward. A draft of the planning rules is expected to be released shortly. We will certainly take every opportunity to comment on the draft rules.
3. Continue pursuing a legislative solution to the problem.
4. Develop and adopt an addendum/amendment based on a gap analysis that would address the SAFETEA-LU gap in the current RTP.

The earliest possible adoption of the new RTP is dependent on the SIP submittal timeline. Based on the current SIP timeline, which calls for submittal of 8-Hour Ozone budgets to US EPA in June 2007, the earliest SCAG can expect to submit a plan for adoption would be around November/December 2007. This would expose the region to the amendment restrictions for about six months rather than a full year.

SCAG has already prepared and presented to the Plans and Programs Technical Advisory Committee (P&P TAC) an analysis to identify the planning categories that must be addressed so that the new RTP is in full compliance with SAFETEA-LU when adopted in 2007 or 2008. The summary matrix with these findings is attached for your reference as **Attachment 1**.

In the short term, staff proposes preparing an addendum to the 2004 RTP that would address the gap in the current plan as it relates to SAFETEA-LU. This must be accomplished by the July 1, 2007 deadline for full implementation of SAFETEA-LU. The addendum, if approved by the federal agencies, would allow SCAG to continue with the amendment of RTP/RTIP during the fourth year of the current plan. The Ohio Department of Transportation is pursuing a similar approach for all MPOs in Ohio and their FHWA/FTA representatives have given them a positive feed back to move forward with the approach.

Overall, staff is proposing to pursue the following steps:

1. Move forward with the target to adopt a fully updated and SAFETEA-LU compliant RTP by November/December of 2007.
2. Continue to follow up on the amendment 'threshold' criteria with the federal agencies and participate in the SAFETEA-LU planning rule making process.
3. Continue to seek and pursue legislative relief to the planning restrictions that may be imposed in the 4th year of the current RTP.
4. Simultaneously, initiate preparation of an addendum based on the 'Gap Analysis' to bring the current plan into compliance with the planning provisions of SAFETEA-LU to the extent possible. Also, be prepared to modify approach to the proposed addendum based on any new federal guidance on planning that may be issued before it is adopted.
5. Initiate discussions with FHWA to indicate our intent to pursue this approach, including the findings of the gap analysis and the general framework to address them.

6. Undertake the efforts required to prepare the addendum or the 'Gap Analysis'.
7. Take the proposed addendum for adoption by the Regional Council no later than March 2007.

At this point, we believe preparation of an addendum or 'Gap Analysis' to the current RTP would entail the following.

- Inclusion of security as a standalone planning factor – The proposed approach would include:
 - Meeting with Caltrans to collect information related to security actions and plans for the State Highway System
 - Review LRPs and SRTPs and extract information related to security
 - Meeting with CTCs and transit operators to discuss and collect information related to security over and beyond what we extract from the LRPs and the SRTPs
 - Meeting with representatives of the sea ports, airports, transit agencies and state/local emergency service coordinators to discuss and collect information related to security and disaster response
 - Summarize findings from above in a separate section for inclusion in the addendum
- Addition of inter-modal connectors – The proposed approach would include:
 - Identify all inter-modal facilities in the current plan
 - Prepare a brief section identifying inter-modal connectors as a new program category describing existing inter-modal facilities included in the current RTP
- Inclusion of accessible pedestrian walkways and bicycle facilities – The proposed approach would include:
 - Review existing LRPs and compile information regarding pedestrian walkways and bicycle facilities
 - Augment the Non-motorized transportation section of the current RTP with new information gathered
 - A listing of Non-motorized transportation projects funded in the current RTP
- Identification of operational and management strategies – The 2004 RTP already included a separate section on these strategies. SAFETEA-LU requires separation of Operation and Management strategies. The proposed approach to expand the section include:
 - Establish a clear distinction between Operation and Management
 - Review the O&M section of the current RTP and assess whether Operation and Management strategies can be readily separated
 - Review the most recent SHOPP Plan and extract relevant changes from 2004
 - Review and summarize the focus on operations and management in the Governor's Strategic Growth (SGP) initiative
 - Review existing SRTPs to identify any new operational and management strategies for transit

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- Prepare separate sections for Operation and Management strategies based on above findings and consistent with the current RTP
- Discussion of environmental mitigation activities – The proposed approach would include:
 - Summarize environmental mitigation activities identified in the 2004 RTP PEIR for inclusion in the proposed addendum/amendment
- Consideration of DOT Highway Safety Plan – SAFETEA-LU requires that Caltrans develop a comprehensive Highway Safety Plan before the funds under the Highway Safety Program can be disbursed. Caltrans is currently undertaking this effort and SCAG has been a participant in the process. A final Highway Safety Plan is expected to be in place by this summer. As such, the proposed approach would include:
 - Describe Transportation Safety approach for the SCAG region based upon and consistent with the Statewide Highway Safety Plan
- Public Participation Program – An extensive public participation plan was implemented and documented in conjunction with the 2004 RTP. The proposed approach would include:
 - Reviewing the public participation program implemented in conjunction with the 2004 RTP
 - Developing and adopting a Public Participation Program for the full RTP Update with appropriate provisions for ensuring public participation in the preparation of the ‘Gap Analysis’
 - Documentation of the outreach efforts in conjunction with the ‘Gap Analysis’

The proposed addendum is expected to have no impact on the fiscal constraint requirements, conformity, or environmental elements of the current plan. The basic approach of this document would be to identify and describe areas where staff believe the current RTP either meets or exceeds the SAFETEA-LU requirements and areas where current RTP will be supplemented to meet the requirements.

The parallel effort to preparing the proposed addendum to the current RTP may appear to conflict, to some extent, with the full RTP update effort and schedule. However, staff proposes to strategically leverage much of the work products for the full update to achieve maximum efficiency. As such, by being strategic, staff believes the cost of preparing the addendum can be absorbed into the cost of preparing the 2007/8 RTP. The following are some of the key milestones for preparation of the proposed addendum.

- ◆ Initial assessment of the 2004 RTP for SAFETEA-LU Compliance (Completed and included as Attachment 1 to this memo)
- ◆ Initiate preparation of the addendum by preparing background material, analysis of the sections where we meet or exceed SAFETEA-LU requirements (May – Aug. 06)
- ◆ Prepare and coordinate sections that describe gaps or deficiencies in the current RTP (Aug. – Nov.)
- ◆ Release a Draft for 30-day public review and comments (Dec. 2006)
- ◆ Present a Final Addendum to RC for adoption (Feb/Mar 2007)

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To summarize, staff believes it is prudent to concurrently pursue all the options that would minimize the impact of plan and TIP amendment restrictions. These restrictions could be imposed during the transition year or the fourth year of our current plan because federal agencies may not approve any amendments to RTP/RTIP that are perceived to be non compliant with SAFETEA-LU after July 1, 2007. Staff believes the products of the addendum can be strategically leveraged in developing the 2007/8 RTP, effectively absorbing the cost into the larger effort.

TCC approved moving forward with the proposed strategy to update the 2004 RTP in compliance with the SAFETEA-LU at their June 1, 2006 meeting.

FISCAL IMPACT:

No additional fiscal impact. Funding necessary for this work effort is already accounted for in the current and the next fiscal year budgets.